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IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

**C. JAY SMITH, et al.,**

Plaintiff,

**v.**

**R. DIAZ, et al.,**

Defendants.

4:20-cv-04335-HSG

**JOINT STIPULATION FOR  
 AUTOMATIC SUBSTITUTION OF  
 SECRETARY ALLISON AND  
 DISMISSAL OF DEFENDANT DIAZ  
 UNDER FRCP 25(D); ORDER (as  
 modified)**

Judge: Hon. Haywood S. Gilliam, Jr.  
 Trial Date: December 1, 2025  
 Action Filed: June 29, 2020

Under Federal Rule of Civil Procedure 25(d), Defendants move for the automatic substitution of Secretary J. Macomber for (retired) Secretary R. Diaz and Warden C. Anders for (retired) Warden R. Davis . The parties stipulate that only official-capacity claims are alleged against Secretary Diaz and Warden Davis. As both Diaz and Davis have retired from CDCR service, they are no longer in the position to provide any injunctive relief in their official capacities. Accordingly, the parties stipulate to the automatic substitution of Secretary Macomber and Warden Anders for Diaz and Davis, respectively. The parties jointly stipulate to dismiss

Defendant Diaz and Defendant Davis from this action immediately.

**IT IS SO STIPULATED.**

Dated: July 3, 2025

/s/ Eric Miersma

Eric Miersma  
Deputy Attorney General  
Attorney for Defendants

Dated: July 3, 2025

/s/ Jennifer Orthwein

Jennifer Orthwein  
Attorney for Plaintiff Smith

**FILER'S ATTESTATION**

Pursuant to Civil L.R. 5-1(i)(3) regarding signatures, I, Eric Miersma, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty under the laws of the United States of America that the foregoing is true and correct. Executed on July 3, 2025, at San Diego, California.

/s/ Eric Miersma

Eric Miersma

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**ORDER**

**PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO  
ORDERED THAT:**

Under Federal Rule of Civil Procedure 25(d), Secretary J. Macomber is substituted in his official-capacity for Defendant R. Diaz. There are no other claims against Defendant Diaz thus he is dismissed from this action. Under Federal Rule of Civil Procedure 25(d), Warden C. Anders is substituted in his official-capacity for Defendant R. Davis. There are no other claims against Defendant Davis thus he is dismissed from this action. The Clerk is directed to dismiss Ralph Diaz and Ron Davis and add Secretary J. Macomber and Warden C. Andres to the docket as defendants.

Dated: 7/7/2025

  
The Honorable Haywood S. Gilliam, Jr.